

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED NATURAL FOODS, INC.
Employer

and

Case 21-RC-103281

INTERNATIONAL BROTHERHOOD OF TEAMSTERS
LOCAL 63

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE,	CHAIRMAN
KENT Y. HIROZAWA,	MEMBER
NANCY SCHIFFER,	MEMBER

Dated, Washington, D.C., October 29, 2014

¹ In its request for review, the Employer objected to the processing of the petition by Olivia Garcia, arguing that her January 4, 2012 appointment as Regional Director of Region 21 was invalid because the Board lacked a quorum at that time. That argument lacks merit, as Garcia was appointed Regional Director on December 22, 2011, at a time when the Board had a quorum. See *NLRB v. Gestamp South Carolina, LLC*, __ F.3d __, 2014 WL 5013049, slip op. 5 (4th Cir. Oct. 8, 2014) ("we now conclude that Member Becker's recess appointment was valid."). For the same reason we reject the Employer's argument that the Board cannot apply its decision in *Specialty Healthcare and Rehabilitation Center of Mobile*, 357 NLRB No. 83, slip op. at 8-9 (2011), enf'd sub. nom. *Kindred Nursing Centers East v. NLRB*, 727 F.3d 552 (6th Cir. 2013), as it issued when the Board had a quorum.